

REMARKS

Claims 54-77 now stand in the application, claims 51, 52 and 68 having been canceled and new claim 77 added. Reconsideration of the application and allowance of all claims are respectfully requested in view of the above amendments and the following remarks.

The issues raised by the examiner in paragraphs 2-5 of the Office action are addressed by amendments now made to the claims.

The prior art rejection is respectfully traversed.

The applicant notes that Claims 51, 52 and 54 to 76 are rejected under 35 U.S.C. 102(e) as being anticipated by Osawa et al in U.S. Patent Specification No. 7,083,577. The applicant has considered the Examiner's explanation set forth in paragraph 1 of the Office action as to the alleged relevance of the disclosure of Osawa to the claims as revised with the applicant's response to the first Office action, and the applicant is grateful to the Examiner for his explanation.

Bearing in mind the Examiner's explanation in paragraph 1 of the Office action, and in order to clearly distinguish the invention from Osawa and the other prior art documents, the applicant has extensively revised Claim 70, which now includes all the features of Claim 70 which was filed with the last response, together with the features of Claims 51 and 52 which were filed with the last response. Additionally, when incorporating the feature of Claim 51 into Claim 70, the ambiguity identified by the Examiner in paragraph 8 of the Office action under the subheading "In reference to Claim 51" with respect to the spacing of the distal end of the reinforcing member from the distal end of the distal portion of the guide wire has been removed. Accordingly, when incorporating the feature of Claim 51 into Claim 70, the location on the distal

portion at which the reinforcing member terminates is now clearly claimed as being axially spaced apart from the distal end of the distal portion. Thus, the distal end of the reinforcing member is now clearly claimed as being axially spaced apart from the distal end of the distal portion to define the guide portion between the distal end of the distal portion and the location at which the reinforcing member terminates. In other words, revised Claim 70 now clearly claims the guide portion which is illustrated in the drawings, and which is identified in Figs. 5 and 6 by the reference numeral 42, as being defined between the distal end 40 of the reinforcing member and the distal end 27 of the distal portion 18 of the guide wire which extends from the proximal end 26 to the distal end 27.

Accordingly, the revised Claim 70 is now directed towards a guide wire for use in a surgical or other procedure for accessing a remote site in the body of a human or animal subject, the guide wire

- (a) defining a longitudinally extending axis, and
- (b) terminating at one end in a proximal portion, and
- (c) at an axially opposite end in a distal portion for accessing the remote site, the distal portion
- (d) having a proximal end and a distal end, and
- (e) being of rectangular transverse cross-section defining
- (f) a pair of opposite major flat surfaces, joined by
- (g) a pair of opposite minor surfaces, and
- (h) terminating adjacent the distal end thereof in
- (i) a guide portion,

the guide portion

(j) being adapted to be shaped to a desired curved configuration for facilitating guiding of the guide wire into a branched vessel of the subject, and

(k) an elongated reinforcing member located on the distal portion of the guide wire for minimizing axial twisting of the distal portion between the proximal end of the distal portion and the guide portion thereof,

the reinforcing member

(l) having a proximal end and a distal end, and

(m) extending along one of the flat major surfaces of the distal portion of the guide wire

(n) from the proximal end of the distal portion

(o) to a location on the distal portion axially spaced apart from the distal end of the distal portion

(p) to define with the distal end of the distal portion the guide portion.

It is respectfully submitted that none of the prior art documents disclose a guide wire which includes all of features (a) to (p) of the revised Claim 70. In particular, none of the prior art documents disclose the provision of an elongated reinforcing member being located on the distal portion of a guide wire which extends from a proximal end of the distal portion of the guide wire to a location on the distal portion of the guide wire which is axially spaced apart from the distal end of the distal portion of the guide wire to define with the distal end of the distal portion the guide portion of the guide wire. It is precisely this latter feature (p) of revised Claim

70 which clearly distinguishes the invention from the prior art and provides the invention with its many advantages over the prior art.

The advantages of the invention are clearly set out in the present specification from page 8, line 22 to page 9, line 16. In particular, the provision of the reinforcing member provides the guide wire with the appropriate degree of rigidity in order to provide torsional rigidity to the distal portion of the guide wire, while at the same time providing a guide portion which can be easily bent prior to inserting the guide wire into the subject for facilitating manipulating the guide wire into a vessel which is branched off from the vessel through which the guide wire is being urged. This is achieved by terminating the reinforcing member at a location axially spaced apart from the distal end of the distal portion of the guide wire to form the guide portion. By providing the reinforcing member, torsional rigidity of the distal portion is preserved so that rotation of the proximal end of the guide wire results in a corresponding rotation of the distal end thereof and in particular the guide portion for aligning the guide portion with the branched vessel.

It is respectfully submitted that Osawa fails entirely to disclose a guide wire which includes a reinforcing member which terminates at a location axially spaced apart from the distal end of a distal portion of the guide wire. In the embodiment of the guide wire of Osawa which is described with reference to Figs. 5A to 5C, which has been cited by the Examiner, even allowing that Osawa discloses a guide wire with a distal portion and a reinforcing member extending along the distal portion as suggested by the Examiner in paragraph 1 of the official action, the distal end of the alleged reinforcing member identified by the Examiner coincides axially with the distal end of the distal portion of the guide wire. Accordingly, Osawa fails to disclose a

guide wire with features (o) and (p) of revised Claim 70, namely, the provision of a reinforcing member on a distal portion of a guide wire which terminates at a location spaced apart from the distal end of the distal portion to define a guide portion, namely, the guide portion of features (i) and (j), between the distal end of the distal portion and the location at which the reinforcing member terminates.

Furthermore, it is respectfully submitted that there is no suggestion in the disclosure of Osawa of the possibility of the distal end of the alleged reinforcing member terminating at an axial location spaced apart from the distal end of the distal portion of the guide wire in order to define a guide portion thereof.

Furthermore, it is respectfully submitted that there is no disclosure nor is there any suggestion in any of the other prior art documents of the provision of a guide wire with a distal portion along which a reinforcing member extends and terminates at a location axially spaced apart from the distal end of the distal portion of the guide wire in order to define a guide portion thereof.

Accordingly, it is respectfully submitted that the invention of the revised Claim 70 is novel, and furthermore, it is respectfully submitted that the invention of the revised Claim 70 is not obvious over Osawa, whether Osawa is considered separately or combined with any of the other prior art documents.

Accordingly, it is respectfully submitted that the invention of the revised Claim 70 should now be allowable, and allowance is respectfully requested.

Since Claims 54 to 67 and Claims 71 to 77 are dependent either directly or indirectly on the revised Claim 70, it is respectfully submitted that since the revised Claim 70 should now be

allowable, Claims 54 to 67 and 71 to 77 should likewise be allowable, and allowance is respectfully requested.

Claim 69, which is directed towards a catheter and a guide wire in combination, claims the guide wire as being a guide wire as claimed in Claim 70. Accordingly, Claim 69 is also dependent on Claim 70. Since Claim 70 should now be allowable, it is respectfully submitted that Claim 69 should likewise be allowable, and allowance is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: February 26, 2009

/DJCushing/
David J. Cushing
Registration No. 28,703